

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Civil No. 05-1893 (RHK/AJB)

Petitioner,

ORDER

v.

Gilberto Soto-Oregon,

Respondent.

Magistrate Judge Arthur J. Boylan recommended that Respondent be found to be suffering from a mental disease or defect for the treatment of which he is in need of hospitalization in a suitable psychiatric facility and that he should be committed to the custody of the United States Attorney General. Timely Objections have been interposed with respect to the recommendation of Judge Boylan.

The Court has reviewed de novo Judge Boylan's Findings of Fact and Conclusions of Law and is satisfied that they are fully supported by the record developed before Judge Boylan and applicable legal principles. Accordingly, and upon all the files, records and proceedings herein, **IT IS ORDERED:**

1. The Objections (Doc. No. 13) are **OVERRULED**;
2. The Findings of Fact and Conclusions of Law [Doc. No. 12] are **ADOPTED**;
3. The Petition to Determine Present Mental Condition of an Imprisoned Person

Under 18 U.S.C. § 4245 (Doc. No. 1) is **GRANTED**;

4. Respondent is found to be suffering from a mental disease or defect for the treatment of which he is in need of hospitalization in a suitable psychiatric facility;
5. FMC-Rochester is a suitable facility at which to treat Respondent's mental illness;
6. Respondent is committed to the custody of the United States Attorney General; and
7. The Attorney General hospitalize Respondent at FMC-Rochester.

Dated: November 28, 2005

s/Richard H. Kyle
Judge Richard H. Kyle
United States District Judge